

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CV-317-D

CUMBERLAND COUNTY HOSPITAL)
SYSTEM, INC., d/b/a Cape Fear Valley)
Health System,)

Plaintiff,)

v.)

THOMAS E. PRICE,)
Secretary of Health and Human Services,)

Defendant.)

ORDER

On February 23, 2017, Magistrate Judge Gates issued a Memorandum and Recommendation (“M&R”) [D.E. 66] and recommended that plaintiff’s motion for judgment on the pleadings [D.E. 53] be granted, that defendant’s motion for judgment on the pleadings [D.E. 55] be denied, that the Secretary’s decision be reversed, and that the action be remanded for reimbursement of plaintiff by the Secretary. Neither party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there

is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 66]. Plaintiff's motion for judgment on the pleadings [D.E. 53] is GRANTED, defendant's motion for judgment on the pleadings [D.E. 55] is DENIED, the Secretary's final decision is REVERSED, and the action is REMANDED for reimbursement of plaintiff as recommended by Magistrate Judge Gates in the M&R.

SO ORDERED. This 17 day of March 2017.



JAMES C. DEVER III
Chief United States District Judge